

STATE BOARD FOR EDUCATOR CERTIFICATION
DISCUSSION AND ACTION SESSION AGENDA

October 10, 2008 at 9:00 a.m.
1701 N. Congress Ave. Room 1-104
Austin, Texas

The Board will meet in open session and after determining the presence of a quorum, deliberate and possibly take formal action, including emergency action, on the following agenda items:

1. Call to Order
2. Public Testimony

The Board will allocate up to thirty (30) minutes at the beginning of each regularly scheduled meeting of the full board for public testimony on non-agenda and consent agenda items.

CONSENT AGENDA

3. Approval of July 25, 2008 Board Meeting Minutes
4. Approval of Board Meeting Dates for 2009

DISCUSSION AND ACTION

5. [Adoption of Proposed Revisions to 19 TAC Chapter 227, Provisions for Educator Preparation Students](#)

This item provides the State Board for Educator Certification (SBEC) an opportunity to adopt, subject to State Board of Education (SBOE) review, the proposed revisions to 19 TAC Chapter 227, Provisions for Educator Preparation Students. The proposed revisions would update the rules to reflect current law, add minimum standards for all educator preparation programs, while still allowing flexibility, and ensure consistency among educator preparation programs in the state. Additional changes are recommended to 19 TAC §227.10, Admission Criteria, since published as proposed.

6. [Adoption of Proposed Revisions to 19 TAC Chapter 228, Requirements for Educator Preparation Programs, and Proposed Repeal of 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter G, Certification Requirement for Classroom Teachers, §230.191, Preparation Required in All Programs](#)

This item provides the State Board for Educator Certification (SBEC) an opportunity to adopt, subject to State Board of Education (SBOE) review, the proposed revisions to 19 TAC Chapter 228, Requirements for Educator Preparation Programs. The proposed revisions would update the rules to reflect current law, add minimum standards for all educator preparation programs, while still allowing flexibility, and ensure consistency among the educator preparation programs in the state. Additional changes are recommended to 19 TAC §228.40, Assessment and Evaluation of Candidates for Certification and Program Improvement, since published as proposed.

In addition, this item provides the SBEC an opportunity to adopt, subject to SBOE review, the proposed repeal of 19 TAC §230.191, Preparation Required in All Programs. Program preparation requirements in this rule have been incorporated into the proposed revisions to 19 TAC Chapter 228 or have an expiration date in rule of September 1, 2007. No additional changes are recommended since published as proposed.

7. Consideration and Opportunity to Approve the Revision of the 2006-2007 Accountability System for Educator Preparation (ASEP) Accreditation Ratings

The Board will discuss and have the opportunity to approve the 2006-2007 Accountability System for Educator Preparation (ASEP) accreditation ratings for the educator preparation programs authorized by Texas Education Code §21.045.

8. Proposed Plan for the Use of the American Council on the Teaching of Foreign Languages (ACTFL) Examination for Bilingual Language Proficiency

The State Board for Educator Certification (SBEC) will discuss and have the opportunity to approve the use of Arabic, Chinese, Japanese, Russian and Vietnamese American Council on the Teaching of Foreign Language (ACTFL) exams to meet the language proficiency requirement for the bilingual certification where no state examinations currently exist.

9. Consolidation of Bilingual Supplemental Certification Examinations

The item presents the opportunity to discuss and approve a proposal to offer one Bilingual Supplemental examination that will attach to the grade level content certificate and follow the format of the other supplemental examinations offered.

10. Consideration and Opportunity for Approval of Educator Preparation Program Expansion Plan

The Board will have the opportunity to discuss and approve a plan for consideration and approval of Educator Preparation Programs' requests for expansion, and will authorize staff to draft policies, procedures, and proposed rules as needed to carry out the plan.

11. Consideration and Opportunity to Approve the Recommendation that A Visually Impaired Teacher Take Visually Impaired Training in Addition to Examination as a Requirement for Visually Impaired Certification

The agenda item is being presented to the State Board for Educator Certification (SBEC) to provide it with the opportunity for discussion and approval of a recommendation that addresses a concern that the needs of visually impaired (VI) students across the state are not being addressed. The main concern is that certified educators are allowed, pursuant to Texas Administrative Code § 230.437, to take the Visually Impaired certification examination without additional VI training.

12. Consideration and Opportunity for Approval of Education Service Center Region IV Proposal for Mandarin Chinese Language Teacher Alternative Certification Pilot Program

The Board will discuss and have the opportunity to approve Education Service Center Region IV proposal for a Mandarin Chinese Language Teacher Alternative Certification Pilot Program.

13. Consideration and Opportunity for Approval of Legislative Committee's Recommendations of Legislative Issues

This item provides the Board the opportunity to discuss and approve the Legislative Committee's recommendations.

14. Proposed Revisions to Board Operating Policies and Procedures (BOPP)

This item provides the Board the opportunity to discuss and approve the requested changes from the July 2008 SBEC meeting to the Board Operating Policies and Procedures (BOPP).

15. Contested Cases and Pending Litigation

The Board may meet in closed Executive Session, pursuant to section 551.071(2) and/or 551.071(1), of the Texas Government Code, to seek legal advice regarding pending or contemplated litigation or settlement of same, and contested cases related to educator discipline and other matters arising under 19 Texas Administrative Code Chapter 249. Pursuant to section 551.102 of the Texas Government Code, any final action on matters discussed in Executive Session must be made in an open meeting.

A. Contested Cases

I. Defaults

- 1) Docket No. 2002-EC-0108 State Board for Educator Certification v. Richard Ray Huettel; Action to be taken: Consideration of Issuance of Default Judgment.
- 2) Docket No. 2004-EC-0108 State Board for Educator Certification v. Inosencio Flores; Action to be taken: Consideration of Issuance of Default Judgment.
- 3) Docket No. 3029-EC-0608 State Board for Educator Certification v. Charles W. Winslow, Jr.; Action to be taken: Consideration of Issuance of Default Judgment.
- 4) Docket No. 3031-EC-0608 State Board for Educator Certification v. Kimberly D. Hollis; Action to be taken: Consideration of Issuance of Default Judgment.
- 5) Docket No. 2030-EC-0308 State Board for Educator Certification v. Judy Miller; Action to be taken: Consideration of Issuance of Default Judgment.
- 6) Docket No. 6006-EC-0508 State Board for Educator Certification v. Marian Labell; Action to be taken: Consideration of Issuance of Default Judgment.
- 7) Docket No. 6002-EC-0508 State Board for Educator Certification v. Justin Michael Ryan; Action to be taken: Consideration of Issuance of Default Judgment.
- 8) Docket No. 3033-EC-0708 State Board for Educator Certification v. Robert D. Dickerson; Action to be taken: Consideration of Issuance of Default Judgment.
- 9) Docket No. 3034-EC-0708 State Board for Educator Certification v. Diego Rojas; Action to be taken: Consideration of Issuance of Default Judgment.

- 10) Docket No. 4001-EC-0508 State Board for Educator Certification v. David Robledo; Action to be taken: Consideration of Issuance of Default Judgment.

II. Proposal for Decisions

- 1) Docket No. 701-08-2290.EC Gabriel Reyna v. State Board for Educator Certification; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.
- 2) Docket No. 701-08-2292.EC State Board for Educator Certification v. Manuel Espino; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.
- 3) Docket No. 701-07-0431.EC State Board for Educator Certification v. Gilbert Gomez; Action to be taken: Consideration of Proposal for Decision, Review of Exceptions and Issuance of Final Order.
- 4) Docket No. 701-07-1544.EC State Board for Educator Certification v. Carrie Watts; Action to be taken: Consideration of Motion to Dismiss.

B. Pending Litigation

The Board may discuss any other litigation arising after the date of posting or reasonably contemplated as of the date of the board meeting.

- 1) *Texas Education Agency v. Gregg Abbott, Attorney General of the State of Texas, Cause No. D-1-GN-07-001388, In the 353rd Judicial District Court of Travis County, Texas.*
- 2) *SBEC v. Gregg Abbott, Attorney General of the State of Texas, Cause No. D-1-GN-05-502481, In the 53rd Judicial District Court of Travis County, Texas*
- 3) *Michael Johnson v. State Board for Educator Certification, Cause No. D-1-GN-08-003241, In the 126th Judicial District Court of Travis County, Texas*

16. Action on Items Discussed in Executive Session

Pursuant to section 551.102 of the Texas Government Code, any deliberation and final action on matters discussed in Executive Session must be made in an Open Meeting. For any final action that the Board discussed in Executive Session, the Board will deliberate and take its action in Open Session.

DISCUSSION ONLY

17. Review of 19 TAC Chapter 230, Professional Educator Preparation and Certification

Texas Government Code, §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board for Educator Certification (SBEC) rules. This item presents the review of 19 TAC Chapter 230, Professional Educator Preparation and Certification. The rules being reviewed provide requirements relating to assessment of educators; centers for professional development of teachers; certification requirements for classroom teachers; certification requirements for educators other than classroom teachers and educational aides; certification of educators in general; certificate issuance procedures; Texas educator certificates based on certification and college credentials from other states or territories of the United States; requirements for standard certificates and specialized assignments or

programs; permits; educational aide certificate; assignment of public school personnel; continuing education; and definitions.

18. Discussion of Goals and Priorities of the 19 TAC Chapter 229, Accountability System for Educator Preparation

This item presents for discussion upcoming revisions and/or redevelopment of 19 TAC Chapter 229, Accountability System for Educator Preparation, as part of the statutorily-required review of existing rules. The proposed revisions would update the rules to reflect current law and would add specificity to the requirements relating to the accreditation of entities that prepare individuals for educator certification.

19. Discussion of Proposed Amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions and Contested Cases, Subchapter B, Enforcement Actions and Guidelines, §249.16, Eligibility of Persons with Criminal Convictions for a Certificate under Articles 6252-13c and 6252-13d, Revised Civil Statutes, including technical edits to 19 TAC §249.3, Definitions, §249.15, Disciplinary Action by State Board for Educator Certification, and §232.830, Requirements for Certificate Renewal

This item presents proposed amendment to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines, §249.16, Eligibility of Persons with Criminal Convictions for a Certificate under Articles 6252-13c and 6252-13d, Revised Civil Statutes, for discussion. The proposed amendment would update the current rule to reflect current law and define crimes other than those listed in the Texas Education Code (TEC), §21.060, as being related to the duties and responsibilities of the education profession. In addition, this item presents proposed amendments to 19 TAC §249.3, Definitions, §249.15, Disciplinary Action by State Board for Educator Certification, and §232.830, Requirements for Certificate Renewal, for discussion. The proposed amendments would be necessary to update the current rules to reflect the proposed section title for 19 TAC §249.16.

20. Certification Update

Staff will update the Board on certification functions.

a) Department Updates

- Educator Standards
- Credentialing Services
- Legal Services for Certification Enforcement
- Investigations/Fingerprinting

b) Committee Updates

- Code of Ethics Review Committee
- Legislative Committee

c) Associate Commissioner Update

INFORMATION ONLY

21. 2007-2010 Rule Review Plan for State Board for Educator Certification Rules

This item outlines the rule review plan for State Board for Educator Certification (SBEC) rules during the period of 2007 through 2010. Texas Government Code, §2001.039, requires a rule review of existing state agency rules, including SBEC rules. The rule review requirement is designed to ensure that the reason for initially adopting a rule continues to exist.

DISCUSSION AND ACTION

22. Requests and/or Questions from Board members

23. Adjournment

The Board may meet in closed executive session, Texas Government Code, section 551.071 to seek legal advice regarding any item on this agenda.